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The Industrial Relations Code, 2020

Section 89 - Composition of offences

(1) Notwithstanding anything contained in the Code of CriminalProcedure, 1973 (2 of 1974), any offence punishable under this Code, not being an offence punishablewith imprisonment only, or with imprisonment and also with fine, may, on an application of the accusedperson, either before or after the institution of any prosecution, be compounded by a Gazetted Officer,as the appropriate Government may, by notification, specify, for a sum of fifty per cent. of the maximumfine provided for such offence punishable with fine only and for a sum of seventy-five per cent.
provided for such offence punishable with imprisonment for a term which is not more than one yearor with fine, in the manner as may be prescribed:
Provided that such amount of composition shall be credited to the Social Security Fund establishedunder section 141 of the Social Security Code, 2020.
(2) Nothing contained in sub-section (*1*) shall apply to an offence committed by a person for thesecond time or thereafter within a period of three years from the date---
(a) of commission of a similar offence which was earlier compounded;
(b) of commission of similar offence for which such person was earlier convicted.
(3) Every officer referred to in sub-section (*1*) shall exercise the powers to compound an offence,subject to the direction, control and supervision of the appropriate Government.
(4) Every application for the compounding of an offence shall be made in such manner as may beprescribed.
(5) Where any offence is compounded before the institution of any prosecution, no prosecution shallbe instituted in relation to such offence, against the offender in relation to whom the offence is socompounded.
(6) Where the composition of any offence is made after the institution of any prosecution, suchcomposition shall be brought by the officer referred to in sub-section (*1*) in writing, to the notice of theadjudicating officer appointed under sub-section (*1*) of section 85 before whom the prosecution ispending and on such notice of the composition of the offence being given, the person against whom theoffence is so compounded shall be discharged.
(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1),shall be liable to pay a sum equivalent to twenty per cent. of the maximum fine provided for the offence,in addition to such fine.
(8) No offence punishable under the provisions of this Code shall be compounded except under andin accordance with the provisions of this section.

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